



THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No. 98-009-B1)

In re Application of: )  
)  
Rodgers et al. ) Group Art Unit: 1654  
)  
Serial No.: 09/658,315 ) Examiner: A. Gupta  
)  
Filed: September 8, 2000 )  
)  
For: Methods for Promoting )  
Erythropoiesis )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE OFFICE ACTION MAILED JULY 28, 2006**

**Box Response**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-14501

Dear Sir:

Applicants respectfully request consideration of the following amendments and remarks in response to the Office Action mailed July 28, 2006.

**Obviousness-type double patenting rejection**

1. Claims 43-59 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-11 of US Patent No. 6239109. Applicants herewith submit a terminal disclaimer, thus obviating the rejection.
2. Claims 43, 58, 50, 51, 53-59 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-4 and 22 of US Patent No. 6762167. Applicants herewith submit a terminal disclaimer, thus obviating the rejection.
3. Claims 43-59 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-13 of US Patent No. 6335195. Applicants herewith submit a terminal disclaimer, thus obviating the rejection.
4. Claims 43-59 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6566355. However, US Patent No. 6566355 is unrelated to the present application and is not assigned to the University of Southern California. In fact, the Notice of References cited refers to US Patent No. 6566335, which is assigned to the University of Southern California. Thus, Applicants believe that the Patent Office intended to cite the 6566335 patent in the obviousness-type double patenting rejection. Applicants herewith submit a terminal disclaimer, thus obviating the rejection.